

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTIE HARR,)	
)	CIVIL ACTION No. 21-1555
<i>Plaintiff</i>)	
)	Honorable
v)	W. Scott Hardy
)	
JASON BUCZAK,)	
)	
<i>Defendant</i>)	

**MOTION TO DISMISS PLAINTIFF'S COMPLAINT FILED ON BEHALF OF
DEFENDANT, MAGISTERIAL DISTRICT JUDGE JASON BUCZAK**

NOW COMES Defendant Magisterial District Judge Jason Buczak, by and through undersigned counsel, who files this Motion to Dismiss Plaintiff's Complaint and in support thereof avers as follows:

1. Plaintiff, Christie Harr, filed a *pro se* action seeking money damages and mandamus relief against, Magisterial District Judge Jason Buczak, a judge of Westmoreland County Magisterial District Court 10-3-05.
2. On April 21, 2022, this Court stayed all matters pending resolution of the underlying criminal proceedings against Plaintiff. The stay having been lifted, Defendant renews his motion to dismiss originally filed on December 11, 2021.
3. The claims in Plaintiff's Complaint pertain exclusively to a search warrant issued by Judge Buczak to a humane society police officer to search premises belonging to Plaintiff. The affidavit of probable cause which Plaintiff attaches to her complaint lists in

great details the allegations of animal cruelty taking place at the locations sought to be searched.

4. Plaintiff asserts that Judge Buczak violated her constitutional rights by issuing the search warrant because it was issued in bad faith, without jurisdiction and without the required approval from the district attorney. Based on these allegations, Plaintiff seeks monetary damages and a declaration that her rights were violated.

5. Eleventh Amendment immunity bars Plaintiff's claims as to Judge Buczak.

6. Since the Magisterial District Court over which Judge Buczak presides is not "a person," Plaintiff is precluded from maintaining her constitutional claims against him in his official capacity.

7. Any individual capacity claims against Judge Buczak are barred by the doctrine of absolute judicial immunity.

8. Any request on the part of Plaintiff for leave to further amend her Complaint would be futile because the Court lacks subject-matter jurisdiction over her claims, and Plaintiff cannot state a claim upon which relief can be granted in light of the legal defenses set forth herein.

WHEREFORE, Defendant Magisterial District Judge Jason Buczak respectfully requests that this Honorable Court grant his Motion to Dismiss Plaintiff's Complaint with prejudice.

Respectfully submitted,

s/Caroline Liebenguth

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*Attorney for Defendant,
Magisterial District Judge Jasonl Buczak*

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<i>Defendant</i>)	

CERTIFICATE OF SERVICE

The undersigned certify that on January 18, 2023, she caused to be served upon the following a copy of the foregoing *Motion to Dismiss Plaintiff's Complaint and Brief in Support of Motion to Dismiss*, by first class, postage pre-paid U.S. mail:

Christie Harr
676 Reed Avenue
Monessen, PA 15062
Pro se Plaintiff

Respectfully submitted,

s/Caroline Liebenguth
CAROLINE LIEBENGUTH, ESQUIRE
Attorney I.D. No. PA 37572

*Attorney for Defendant,
Magisterial District Judge Jason Buczak*